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PATENT
Attorney Docket No. 202241-0028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sylvan et al.

Art Unit: 3683

Application No. 10/658,964

Examiner: KRAMER, Devon C.

Filed: September 9, 2003

For: BRAKING SYSTEM

**NOTICE OF APPEAL FROM THE
EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed September 8, 2004, rejecting the following claims: 1-11 and 13-21.

The items checked below are appropriate:

1. Status of Applicants

This application is on behalf of other than a small entity or a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 1.17(b), the fee for filing the Notice of Appeal is for: other than a small entity or a small entity.

Notice of Appeal Fee due \$340.00

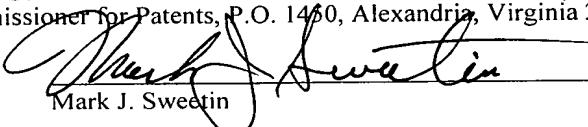
12/13/2004 HALI11 00000033 070181 10658964

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CERTIFICATE OF MAILING

I hereby certify that this document (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. 1450, Alexandria, Virginia 22313-1450.

Date: December 6, 2004


Mark J. Sweetin

3. Extension of Time

- Applicants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$110.00.
- An extension for one month has already been secured and the fee paid therefor of \$110.00 is deducted from the total fee due for the total amounts of extension now requested.
- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$0.00

4. Total Fee Due

The total fee due is:

Notice of Appeal Fee	\$340.00
Extension Fee (if any)	\$0.00

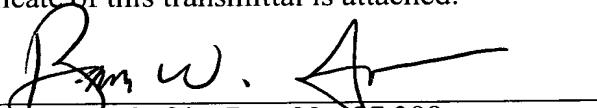
Total Fee Due: \$340.00

5. Fee Payment

-
- Attached is a check in the sum of \$
Charge Account No. 07-0181 the sum of \$340.00. A duplicate of this transmittal is attached.

6. Fee Deficiency

- If any additional fee is required in connection with this communication, charge Account No. 07-0181. A duplicate of this transmittal is attached.


Barry W. Sufrin, Reg. No. 27,398
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Date: December 6, 2004

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application No.	10/658,964
Filing Date	September 9, 2003
First Named Inventor	SYLVAN, Dale A.
Group Art Unit	3683
Examiner Name	KRAMER, Devon C.

Total Number of Pages in This Submission

3

Attorney Docket Number

202241-0028

ENCLOSURES (check all that apply)

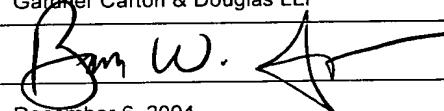
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Return receipt postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name
Barry W. Sufrin, Reg. No. 27,398
Gardner Carton & Douglas LLP

Signature

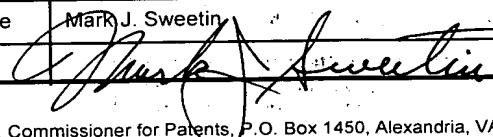
Date
December 6, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any accompanying documents, is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450 on this date December 6, 2004.

Typed or printed name
Mark J. Sweetin

Signature

Date
December 6, 2004

SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CH02/ 22354028.1